

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JEAN MPOULI,  
  
Defendant.

CASE NO. CR19-0072-JCC  
  
ORDER

This matter comes before the Court on the parties' stipulated motion to continue the trial date and the pretrial motions deadline (Dkt. No. 43). Mr. Mpouli is charged with 19 counts of Aiding and Assisting in the Preparation and Presentation of a False and Fraudulent Return. (Dkt. No. 1.) The parties move to continue trial from June 28, 2021 to September 20, 2021, reset the pretrial motions deadline, and exclude the time period from the date of this order to the new trial date for purposes of the Speedy Trial Act. (*See generally* Dkt. No. 43.)

The Court previously continued trial to allow Mr. Mpouli's counsel sufficient time to prepare for trial, given the volume of discovery in the case and the impact of the COVID-19 pandemic on counsel's ability to adequately review discovery with Mr. Mpouli. (*See* Dkt. Nos. 13, 19, 26, 28, 31, 33, 36, 38.) Another consideration was the impact of the pandemic on the Court's operations. (*Id.*)

The parties seek another continuance because, despite due diligence, additional time is

1 needed for Mr. Mpouli's counsel to adequately prepare for trial given the volume of discovery  
2 and the ongoing impact of the pandemic on trial preparation. (Dkt. No. 43 at 2–3.) In addition,  
3 the pandemic continues to limit the Court's ability to conduct criminal trials. (*See* W.D. Wash.  
4 General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21, each of which the  
5 Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to  
6 obtain an adequate spectrum of jurors to represent a fair cross section of the community, and  
7 public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to  
8 be present in the courtroom. (*See generally id.*) As a result, the Court has been unable to conduct  
9 any criminal trials in the courthouse since March 2020. Although the availability of a vaccine  
10 makes it possible that the Court will be able to resume some in-person criminal trials in May  
11 2021, the Court will continue to be limited by public health measures that necessitate continuing  
12 most trials past June 30, 2021. *See* General Order 04-21 at 2.

13       Taking into account the exercise of due diligence, the Court FINDS that the failure to  
14 grant a continuance would deny counsel for Mr. Mpouli reasonable time necessary for effective  
15 preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of  
16 justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i). In addition, the COVID-19 pandemic has made it  
17 difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of  
18 the community, which makes proceeding on the current case schedule impossible or, at a  
19 minimum, would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Moreover,  
20 public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to  
21 be present in the courtroom. Therefore, proceeding with trial as scheduled would likely be  
22 impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Finally, the additional time requested is a  
23 reasonable period of delay.

24       For the reasons described above, the Court HOLDS that the ends of justice served by  
25 continuing the trial in this case outweigh the best interest of the public and Mr. Mpouli to a  
26 speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Accordingly, the Court GRANTS the parties'

1 motion (Dkt. No. 43) and ORDERS:

- 2 1. Trial is CONTINUED to September 20, 2021.
- 3 2. The pretrial motions deadline is reset to August 12, 2021.
- 4 3. The period of time between the date of this Order and the new trial date is excludable
- 5 time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

6 DATED this 5th day of May 2021.

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9  
10 John C. Coughenour  
UNITED STATES DISTRICT JUDGE